OCT 0 3 2003 CO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fuqua, Kenton Michael

Serial No.: 10/038,400

)

Examiner: Unknown

For: APPARATUS, SYSTEM, AND METHOD FOR CAPTURING SOUND

CERTIFICATION UNDER 37 CFR § 1.8

Sept. 30, 2003

Signature

RECEIVED

Docket No. AUDIOPH1100

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 OCT 0 7 2003

Technology Center 2600

Sir:

Filed:

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

I hereby apply to withdraw as attorney or agent for the above-identified application.

No responses are outstanding for this application.

The reasons for this request are:

January 3, 2002

To the best of my knowledge, the applicant, Audiophoric, Inc. (by assignment) has ceased operations without notice to me and without providing instructions regarding the disposition of its patent files. The applicant did not respond to my last written request for instructions (dated August 25, 2003) and a forwarding address.

This request is being made on behalf of myself, by the attorneys associated with customer number 25548, and any other attorney named in the Combined Declaration and Power of Attorney submitted in this application (if applicable).

Please change the correspondence address and direct all future correspondence to the following, which is the last known address of the applicant: Audiophoric, Inc., P.O. Box 2389, Del Mar, California 92014.

This request is enclosed in triplicate.

Respectfully submitted,

Date: 9/30/03

MARK M. TAKAHASHI Reg. No. 38,631

GRAY CARY WARE & FREIDENRICH 4365 Executive Drive, Suite 1100 San Diego, CA 92121-2133

Telephone: (858) 638-6748 Fax: (858) 638-6727